

## REMARKS

### I. Prosecution History.

Claims 1-78 were originally submitted for examination with filing of the present nonprovisional patent application, which claims priority to provisional patent application 60/214,339 filed June 27, 2000. Four groups of claims were identified in a four-way restriction, of which Applicant selected Group I, Claims 1-31, for examination. Claims 32-78 remain withdrawn from examination.

In the first Office Action, the elected claims, 1-31, were rejected by the Examiner under 35 U.S.C. §102(e) and §103(a). More particularly, Claims 1 - 11 and 14 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,625,580 (hereinafter referred to as "Tayama"), while Claims 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tayama in view of U.S. Patent No. 6,076,167 issued to Borza (hereinafter referred to as "Borza"), and 13 and 15-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tayama in view of U. S. Patent No. 6,360,101 issued to Irvin (hereinafter referred to as "Irvin"). In response, the applicant amended Claims 1-2, 4-9, 13-19, 22, 25-32; and added new claims 79-104.

In the second Office Action dated 8/12/04, made Final, the Examiner rejected claims 1-4, 30, 31, 79, 80, 82, 83, 85-86, 89-93 and 98-105 under 35 U.S.C. §102(e) as being anticipated by *Eldridge et al.* Claims 5, 87 95 and 96 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge et al* in view of *Kaplan*. Claims 6-9, 13, 15-20,22-24,26,28 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer et al.* Claims 10 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Challener et al.* Claim 12 was rejected under 35 U. S. C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer*, and further in view of *Borza*. Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Ronen*. Claims 81 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Boyle*. Claims 88 and 94 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Magro et al.* Claims 11 was rejected under

35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer*, and further in view of *Magro*. Claims 25 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer*, and further in view of *Kaplan*. Finally, claim 97 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Kaplan*, and further in view of *Magro*.

An RCE was filed by Applicant on January 12, 2005 together with a preliminary amendment in response to the Final Office Action. In the preliminary amendment, claims 5, 25-29, 83-87, 95, 96 and 103 were cancelled and claims 1, 7, 8, 15-19, 30, 31, 79 and 100 were amended. Claims 1-4, 7-24, 30, 31, 79-82, 88-94, 97-102, and 104-105 remained pending in the application. Claims 32-78 remained withdrawn.

A First Office Action following the RCE filing is dated April, 22, 2005 was received. In the official action claims 1-4, 6-9, 13, 15-20, 22-24, 30, 31, 79, 80, 82, 89-93, 98-102, 104 and 105 stood rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer*. Claims 10 and 21 stood rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer* and further in view of *Challener* et al. Claims 11, 88, 94 and 97 stood rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer* further in view of *Magro* et al. Claims 12 stood rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer* further in view of *Borza* et al. Claims 14 stood rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer* further in view of *Ronen* et al. Claims 81 stood rejected under 35 U.S.C. §103(a) as being unpatentable over *Eldridge* in view of *Cromer* further in view of *Boyle* et al.

In response to the First office action, claims 4-6, 13, 24-29, 79-87, 95-96 and 101-104 were cancelled by Applicant. Applicant has amended claims 1-2, 7-8, 10-12, 14-16, 30, 97 and 100. New claims 106-112 were added.

In response to the Amendment to the first office action, a Second Official Action, made FINAL, was been rendered on November 23, 2005. Claims 1-3, 7-12, 14-23, 30, 31, 88-94, 97-100 and 105-117 were rejected under the Second Office action. References cited to reject the claims under 35 USC 102

and 35 USC 103 include Yocoub (US Published Application 2003/0011805) and Eldridge et al (US Patent 6,515,988).

In response to the Final Rejection, on February 23, 2006 Applicant filed and amendment to the claims and presented remarks distinguishing the cited art from the claims. On 3/27/2006 an advisory action was issued by the Examiner indicating that amendments would not be entered.

On April 21, 2006, Applicant filed another RCE and included the un-entered amendment from 2/23/2006 as his submission with the RCE.

On July 17, 2006, a first office action was rendered by the Examiner. Under the first office action, claims 1-3, 7-9, 15-20, 22, 23, 30, 31, 89-93, 98-100, 105-107, 112, 113 and 115-117 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theimer et al (U.S. Patent No. 5,793,630) in view of Robertson (U.S. Pub. No. 2001/0047441). Claims 10, 21 and 114 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer in view of Robertson and further in view of Challener et al (U.S. Patent No. 6,591,297). Claims 11, 88, 94 and 97 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al in view of Robertson and further in view of Magro et al (U.S. Patent No. 6,457,078). Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al in view of Robertson and further in view of Ronen (U.S. Pub. No. 2002/0156708). Claims 108-111 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al in view of Robertson and further in view of Yacoub et al (U.S. Pub. No. 2003/0011805).

Applicant has submit this paper with remarks and has amended the claims to clarify that the present invention utilizes public wireless communications network resources to locate publicly accessible data rendering devices with location not known by wireless devices without help by public wireless communications network resources. The amendments are clarifying in nature and should finally distinguish Applicant's invention from cited references of record. Reconsideration is respectfully requested.

## **II. Features of the Invention Summarized.**

The present invention as claims enables handheld wireless device users to request assistance from public wireless communications hardware and associated networks to locate a publicly accessible data rendering devices, such as video monitor, an Internet Kiosk, a multimedia projector, or an ATM machine, that has not previously been assigned to the WD and are physically located in a publicly location that is accessible to the wireless device user. DRDs in accordance with the teaching of Applications invention are truly public in that their location is made available to unassigned mobile wireless device users but must be located with the help of public telecommunications equipment and associated networks.

Another important feature of the present invention is that wireless device users can use their WD and supporting network resources to locate a DRD based on the WD's geographic location and/or a user profile

WD users can request the public wireless network resource supporting the WD to transfer data to the DRD over networks. The data associated with the wireless device can be obtained from memory or a mailbox associated with the wireless device user and accessible by the network supporting the WD.

Yet another important feature of the present invention is that wireless devices can be used to: control unassigned, user accessible data rendering device; manipulate data after it is transferred to the unassigned user accessible data rendering device before or during data rendering; and check the operational readiness of data rendering devices before or during data rendering.

Public data networks and servers (e.g., telecommunications provider equipment) can be utilized to coordinate data rendering device location based on wireless device location, delivery of data to data rendering devices, and access to data rendering devices. Pass codes and encryption can be used to permit the rendering of data at DRDs.

Applicant's claims as amended fully support the above-described methods and capabilities and are supported by the extensive specification submitted by Applicant.

### **III. Summary of References Cited against independent claims 1, 15, 30, 100 and 106.**

Applicant believes it would be helpful to summarize and characterize the newest primary references, *Theimer et al* (U.S. Patent No. 5,793,630) in view of Robertson (U.S. Pub. No. 2001/0047441), which are being cited against all of his claims. *Theimer* and *Robertson* are both required to support the 35 U.S.C. §103(a) rejections against all of the pending claims; yet neither actually teach or suggest the key inventive aspects claimed by Applicant.

#### **Theimer et al.**

Theimer et al ("*Theimer*") is directed at a system for transferring digital information between "spatially localizable" electronic devices (including portable devices) using a supporting wireless communication network *that is not "Public" but is actually dedicated to the devices*. A user of the electronic devices (e.g., located within the same room) can "define electronic data transfers between portable electronic devices in user determined spatial locations with submeter precision." By admission in *Theimer's* Abstract, Specification and even as illustrated in figures 1 and 2, the user does not need or teach the use of public wireless communications network assistance to help a WD and its user find electronic devices. In fact, the user knows exactly where the devices are in order to define them spatially for communications purposes, which is taught throughout *Theimer*. *Theimer* actually suggests that its features are most evidently advantageous when used in submeter applications and shows examples within the same physical space (i.e., a room) where IR transmitters and CCD cameras enable highly precise spatial location of tagged electronic devices.

#### **Robertson**

*Robertson* is cited in combination with *Theimer*.

*Robertson* teaches a communications system conduit for transferring data between a single electronic device (e.g., Kiosk) to various user hand held devices. *Robertson* teaches the ability to convert a USB data streams into numerous formats, such as Firewire, R45, Bluetooth, IR.

**IV. Independent claims 1, 15, 30, 100 and 106 -- There is no teaching or suggestion exist in the prior art of utilizing wireless communications network resources to help wireless device user located publicly accessible data rendering devices.**

Claims 1-3, 7-9, 15-20, 22, 23, 30, 31, 89-93, 98-100, 105-107, 112, 113 and 115-117 stand rejected. Under 35 U.S.C. §103(a) as being unpatentable over *Theimer et al* (U.S. Patent No. 5,793,630) in view of *Robertson* (U.S. Pub. No. 2001/0047441). Independent claims 1, 15, 30, 100 and 106 are included in this rejection and are the main focus of these remarks. Independent claims 1, 15, 30, 100 and 106 are rewritten as amended below:

1. A method of brokering data between handheld wireless devices and publicly available data rendering devices, comprising:
  - selecting data from a handheld wireless device (WD) for rendering at a publicly available data rendering device (DRD), said DRD further comprising at least one of an a video monitor, an Internet Kiosk, a multimedia projector, or an ATM machine, and said DRD having a location not yet known by the WD;
  - providing a request to locate at least one DRD from said WD to a network resource including a public wireless network communications hardware and an associated public wireless communications network adapted for supporting wireless hand held devices, wherein said request is for said network resource to locate at least one DRD including a requirement that location be in accordance with a combination of said WD's geographic location and a WD user profile associated with said WD;
  - said network resource locating at least one DRD located near said WD and matching said WD user profile;
  - said network resource identifying to said WD at least one DRD located near said WD and matching said WD user profile to said WD in response to said request and

selecting a DRD with said WD; and  
transferring said data from at least one of said WD and said network resource to said DRD for rendering from memory associated with the WD.

15. A method of brokering data between a wireless device (WD), said WD supported by public wireless communications network resources including public wireless network communications hardware and associated communications networks, and a publicly accessible data rendering device (DRD), said DRD further comprising at least one of an a video monitor, an Internet Kiosk, a multimedia projector, or an ATM machine, wherein said DRD is not assigned to the WD and is publicly accessible to WD users, wherein a WD user performs the following steps at said WD:

selecting data with said WD to render at a DRD;  
entering a DRD locator request with said WD to said public wireless communications network resources to find at least one DRD located near the WD, said locator request including WD location information;  
receiving DRD location information at said WD for the at least one DRD located near the WD, wherein said DRD's location information is based on said WD location information;  
selecting a DRD with said WD for rendering said data; and  
requesting at said WD that said data be transferred to said DRD through said public wireless communications network resources.

30. A method of brokering data between wireless devices and publicly accessible data rendering devices, comprising enabling a user of a wireless device to perform the following steps:

using a wireless device (WD) to request support from public wireless network communications hardware and an associated public wireless communications network adapted for supporting said WD to locate at least one publicly accessible data rendering device (DRD) further comprising at least one of an a video monitor, an Internet Kiosk, a multimedia projector, or an ATM machine, said DRD not previously being assigned to said WD and being physically accessible to a WD user of said WD, said locating executed by said public wireless network communications hardware and associated public wireless communications network in accordance with a WD user profile located

in at least one of said WD, said public wireless network communications hardware and associated public wireless communications network and based on the geographic location of said WD;

receiving DRD location information at the WD for the at least one DRD located near the WD;

selecting a DRD with said WD for rendering data;

selecting data with said WD for rendering at the DRD; and

providing said data, at the request of said WD via said public wireless network communications hardware and associated public wireless communications network supporting said WD, to said DRD for rendering.

100. A method using public wireless network communications hardware and an associated public wireless communications network adapted for supporting wireless hand held device users in brokering data between handheld wireless devices and publicly available data rendering devices, steps of the method carried out by a hand held wireless device user comprising:

providing a request to a network resource to locate a publicly available data rendering device (DRD) further comprising at least one of an a video monitor, an Internet Kiosk, a multimedia projector, or an ATM machine, said DRD for rendering the data, said request provided through a hand held wireless device (WD) and a public wireless communications network supporting wireless communication by said WD to a network resource adapted for providing assistance to hand held wireless devices in locating DRDs by determining the WD's geographic location, locating at least one DRD located near said WD based on its geographic location and identifying at least one DRD to said WD;

receiving location information at said WD from the network resource through said public wireless communications network supporting wireless communication by said WD, said location information identifying at least one DRD located near the WD's geographic location as determined by the network resource;

selecting one DRD using said WD;

selecting data for rendering at said DRD using said WD; and

transferring said data using said WD to said DRD for rendering.

106. A location based service method using public wireless communications network resources to assist a user of a GPS-enabled hand held



wireless device supported by the public wireless communications network to locate a publicly accessible data rendering device (DRD) comprising at least one of a video monitor, an Internet Kiosk, a multimedia projector, or an ATM machine, the method comprising the steps of:

receiving a request from a GPS-enabled hand held wireless device at a public wireless communications network resource for assistance in locating a publicly accessible DRD;

said public wireless communications network resource determining the GPS-enabled hand held wireless device's geographic location using GPS information provided from the GPS-enabled hand held wireless device;

said public wireless communications network resource using the GPS-enabled hand held wireless device's geographic location to locate at least one publicly accessible DRD located near the GPS-enabled hand held wireless device; and

said public wireless communications network resource identifying the at least one publicly accessible DRD including its geographic and physical location to the GPS-enabled hand held wireless device.

*Theimer* alone, or in combination with *Robertson*, does not teach or suggest the use of public communications networks resources to help a wireless device user to locate publicly accessible data rendering devices, such as multimedia projectors, Kiosks, ATMs or video monitors, which is what is taught in Applicant's independent claims 1, 15, 30, 100 and 106. It is obvious after reading Applicant's specification and his independent claims that the location is not yet known by the WD or its user. The *Theimer* disclosure actually teaches away from Applicant's invention as claimed because the user in *Theimer* actually knows the physical location of devices and merely wishes to optimize or secure the transfer of data between them.

*Robertson* does not extend *Theimer's* teachings in a manner that obviates the invention claimed by Applicant. *Robertson* offers a very capable module for communications between wireless devices and publicly accessible data rendering devices such as the DRD taught by Applicant; but all that *Robertson* teaches is a communications conversion module that would reside

within a stationary device such as a Kiosk. A communication conduit that can manage the transfer of data from/to wireless devices with electronic data systems like, Kiosks, computers, network servers, etc, does not combine with *Theimer* in a manner that would suggest to the skilled in the art a systems or methods using public communications network resources to help a wireless device user to locate publicly accessible data rendering devices, such as multimedia projectors, Kiosks, ATMs or video monitors, whose location is not yet known by the WD or its user.

Applicant believes his claims, prior to the current amendment, overcame the rejections of record. Applicant is confident that his claims are currently amended continue to overcome the *Theimer* in combination with Robertson, and his claims cover new and nonobvious methods and systems for assisting wireless device user to locate publicly accessible data rendering devices utilizes communications network resources, which is not taught, hinted at or suggested by the art.

Claims 2-3, 7-9 and 97-99 ultimately depend on claim 1, claims 14-20, 22 and 23 ultimately depend on claim 15, claims 31 and 89-93 ultimately depend on claim 30, claim 105 ultimately depends on claim 100, and claims 107, 112, 113 and 115-117 ultimately depend on claim 106. Therefore, claims 2-3, 7-9, 14-20, 22-23, 31, 89-93, 97-99, 105, 107, 112-113 and 115-117 overcome *Theimer* in combination with Robertson for the reasons stated above.

Applicant believe the rejection of claims Claims 1-3, 7-9, 15-20, 22, 23, 30, 31, 89-93, 98-100, 105-107, 112, 113 and 115-117 has been traversed and now respectfully requests reconsideration of these claims.

**V. Claims 10, 11, 14, 21, 88, 94, 97, 108-111, and 114 depend on independent claims where the cited are provides no teaching or suggestion exist in the prior art of utilizing wireless communications network resources to help wireless device user located publicly accessible data rendering devices.**

Claims 10, 21 and 114 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Theimer* in view of Robertson and further in view of

Challener et al (U.S. Patent No. 6,591,297). Claims 11, 88, 94 and 97 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al in view of Robertson and further in view of Magro et al (U.S. Patent No. 6,457,078). Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al in view of Robertson and further in view of Ronen (U.S. Pub. No. 2002/0156708). Claims 108-111 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al in view of Robertson and further in view of Yacoub et al (U.S. Pub. No. 2003/0011805).

All these claims (10, 11, 14, 21, 88, 94, 97, 108-111, and 114) ultimately depend on one of the independent claims (1, 15, 30, 100 or 106), which have been shown to overcome the primary references Theimer and Robertson. Without Theimer and Robertson, the underlying rejections based on either Challener, Magro et al, Ronen, or Yacoub et al are not sustainable. Therefore, Applicants respectfully request reconsideration of the rejections.

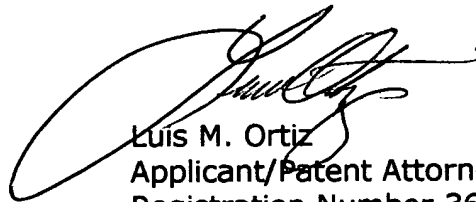
## **VI. Conclusion**

In view of the foregoing remarks, the applicant submits that Claims 1-3, 7-9, 15-20, 22, 23, 30, 31, 89-93, 98-100, 105-107, 112, 113 and 115-117, which remain pending in the application, are patentably distinct over and not obviated by the references on record, and further that the claims are in allowable form. Accordingly, the applicants earnestly solicit the favorable consideration of his application, and respectfully request that it be passed to issue in its present condition.

Should the Examiner discern any remaining impediment to the prompt allowance of the aforementioned claims that might be resolved or overcome with the aid of a telephone conference, he is cordially invited to call the undersigned at the telephone number set out below.

Respectfully submitted,

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